IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 148 OF 2007

Dattaji B. Shinde ...Petitioner

Versus

Union of India ...Respondent

Mr. Rahul Kadam, instructed by Mr. Uday P. Warunjikar, for the petitioner.

CORAM: **H.L. GOKHALE, Ag. C.J.,** & **V.M. KANADE, J.**

DATE: **JANUARY 15, 2007**.

P.C.

Heard Mr. Rahul Kadam in support of this petition. The petitioner was enrolled in the defence services in November, 1978. He was discharged from the services in May, 1986, on coming to know that the petitioner had contracted more than one marriage and, therefore, he was discharged under Rule 13 (3) iii (v) of the Army Rules, 1954. This order was passed on 16th May, 1986. Petitioner's case is that later in1988 he has been acquitted of this charge by an order passed by the Judicial Magistrate, Barshi, on 16th March, 1988. The petitioner chose to send a notice ten years thereafter in December, 1998 to which a reply has been sent that since notice was from an Advocate, his power of

attorney was required. Petitioner did not do anything and has now filed this petition in December, 2006. Petitioner must be doing something else in life for all these years. The petition is clearly belated and only on the ground of delay and laches, we are not inclined to interfere and/or to direct the respondents in any manner to call back the order. Petition is dismissed.

ACTING CHIEF JUSTICE

V.M. KANADE, J.